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6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,) IN EQUITY NO. C-125
10)
11 Plaintiff,) SUBFILE NO. C-125-B
12) 3:73-cv-00127-ECR-LRL
13 WALKER RIVER PAIUTE TRIBE,)
14) **UNOPPOSED MOTION FOR**
15 Plaintiff-Intervenor,) **EXTENSION OF TIME TO FILE**
16) **RESPONSE TO WALKER RIVER**
17 v.) **IRRIGATION DISTRICT'S**
18) **OBJECTIONS TO RULINGS OF**
19 WALKER RIVER IRRIGATION DISTRICT,) **MAGISTRATE JUDGE WITH**
20 a corporation, et al.,) **RESPECT TO PROPOSED ORDER**
21) **CONCERNING SERVICE CUT-OFF**
22 Defendants.) **DATE**
23)
24) **ORDER GRANTING**

18
19 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR 6-1 and LR 6-2,
20 counsel for the United States of America ("United States") and the Walker River Paiute Tribe
21 ("Tribe") move the Court for an order extending the time for them to file their response to the
22 Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to
23 Proposed Order Concerning Service Cut-Off Date (#1663) from on or before October 24 2011,
24 to on or before December 2, 2011.

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26 In support of the Motion, counsel for the United States and the Tribe represent the
27 following:

- 1 1. Pursuant to LR IB 3-1 and rule 6(d) of the Federal Rules of Civil Procedure, the current
2 deadline to file responses is October 24, 2011. The United States and the Tribe anticipate
3 filing a joint response, which effort requires coordination among them.
- 4 2. At the request of the United States, the Tribe and Mineral County, the proposed Plaintiff-
5 Intervenor in subproceeding C-125-C (collectively the "Plaintiff Parties"), Magistrate
6 Judge Leavitt held a telephonic status conference on October 19, 2010, to address
7 pending service issues. (Order, C-125-B, # 1598; C-125-C, #512).
- 8 3. Pursuant to the status conference and by Stipulation and Order dated December 9, 2010,
9 and December 15, 2010, respectively, the Court established a schedule for filing
10 proposed service cutoff and successor-in-interest orders in C-125-B and C-125-C, as well
11 as memoranda related to objections, if any, to the proposed orders. (C-125-B, #1616; C-
12 125-C, #518).
- 13 4. Pursuant to the Court's direction, on November 30, 2010, the United States and the Tribe
14 filed a proposed Service Cut-Off Order in subproceeding C-125-B, and the Plaintiff
15 Parties filed joint proposed Successor-In-Interest Orders in subproceedings C-125-B and
16 C-125-C. (C-125-B, ## 1613, 1614; C-125-C, # 516).
- 17 5. In late 2010 and early 2011, the Court extended the filing deadlines related to the
18 proposed orders three times, twice for the Primary Defendants and once for the Plaintiff
19 parties. (C-125-B, ## 1617, 1620, 1627; C-125-C, ## 519, 521, 528).
- 20 6. After briefing was complete in early 2011, on August 24, 2011, Magistrate Judge Leavitt
21 issued identical Revised Proposed Orders Concerning Service Issues Pertaining to
22 Defendants Who Have Been Served in subproceedings C-125-B and C-125-C. (C-125-B,
23 # 1649; C-125-C, #540).
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- 1 7. On August 26, 2011, Magistrate Judge Leavitt issued an Amended Order Concerning
2 Service Issues Pertaining to Defendants Who Have Been Served in subproceeding C-125-
3 B. (C-125-B, # 1650).
- 4 8. On September 6, 2011, Magistrate Judge Leavitt issued an identical Amended Order
5 Concerning Service Issues pertaining to Defendants Who Have Been Served in
6 subproceeding C-125-C. (C-125-C, # 542).
- 7 9. The amended orders contained attachments not included in the Orders of August 24,
8 2011, but are otherwise identical.
- 9 10. On September 12, 2011, WRID filed Objections to Rulings of Magistrate Judge With
10 Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues
11 Pertaining to Defendants Who Have Been Served, challenging the Magistrate Judge's
12 August 24, August 26, and September 6 Orders. (C-125-B, ## 1652, 1653; C-125-C, ##
13 543, 544. Circle Bar N Ranch, LLC, and Mica Farms, LLC joined in WRID's objections.
14 (C-125-B # 1654; C-125-C, #545).
- 15 11. On September 19, 2011, the Magistrate Judge issued an Order Concerning Service Cut-
16 Off Date. (C-125-B, # 1656).
- 17 12. Because the Plaintiff Parties plan to submit a joint response to WRID's objections
18 regarding successor-in-interest issues, and because the Attorneys for Mineral County
19 were about to commence a lengthy administrative hearing that is scheduled to run
20 through November 18, 2011, Plaintiff Parties sought and Defendants concurred in an
21 extension of time within which to file this response. The Court has granted an extension
22 of time within which the response to the successor-in-interest objections is to be filed
23 until December 2, 2011. (C-125-B, #1661; C-125-C, #549).
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- 1 13. On October 6, 2011, WRID filed Objections to Rulings of Magistrate Judge With
2 Respect to Proposed Order Concerning Service Cut-Off Date, challenging the Magistrate
3 Judge's Order Concerning Service Cut-Off Date (C-125-B, ## 1663, 1664). Circle Bar N
4 Ranch, LLC, and Mica Farms, LLC joined in WRID's objections. (C-125-B # 1665).
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6 14. To some extent, WRID's objections regarding the Order Concerning Service Cut-Off
7 Date appear to address successor-in-interest issues as well. As a result, it is logical that
8 the response regarding the objections to both Orders addressed herein, be made on the
9 same timetable.
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11 15. Therefore, the United States and the Tribe request an extension until December 2, 2011,
12 in which to file a joint response to WRID's objections to the Order Concerning Service
13 Cut-off Date.
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15 16. Counsel for the United States has contacted counsel for Primary Defendants concerning
16 this request for an extension and none of the Primary Defendants has objected to it.

17 NOW, THEREFORE, based upon the foregoing, the United States and the Tribe
18 respectfully request that the Court grant this Unopposed Motion, and extend the time for them to
19 file any responses to on or before December 2, 2011.

20 Respectfully Submitted,
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22 U.S. DEPARTMENT OF JUSTICE
23

24 By: /s/ Susan L. Schneider
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WALKER RIVER PAIUTE TRIBE

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ORDER

Dated: November 4, 2011.

IT IS SO ORDERED.


United States District Judge

3:73-cv-127-ECR-RAM